

AMENDMENTS TO THE CLAIMS

1. (currently amended) A theft deterrent device adapted to be connected to an item of merchandise to discourage shoplifting in combination with the item of merchandise; the device comprising:

a first member;

a second member;

a hinge connecting the first member to the second member and allowing the members to move from an unlocked position to a locked position;

a lock adapted to lock the first member to the second member in the locked position; **and**

~~the members defining at least first and second openings adapted to receive the item of merchandise such that the device is connected to the item of merchandise; a portion of the item of merchandise disposed in the openings and extending between the openings; and~~

~~portions of the first and second members disposed on opposite sides of the portion of merchandise to hold the first and second members to the item of merchandise.~~

2. (currently amended) The holder device of claim 1, wherein the lock includes four locking fingers.

3. (currently amended) The holder device of claim 1, wherein:

the first member has a jaw portion;

the second member has a jaw portion;

the jaw portions adapted to be closed on the item of merchandise; and

the aligned openings being defined by at least one of the jaw portions.

4. (currently amended) The holder device of claim 1, wherein the first and second openings are aligned and coaxial.

5. (currently amended) The holder device of claim 1, wherein the first and second openings are perpendicular to each other.

6. (currently amended) The holder device of claim 1, wherein the first and second openings are offset.

7. (currently amended) ~~The holder of claim 1, wherein A theft deterrent device adapted to be connected to an item of merchandise to discourage shoplifting; the device comprising:~~

a first member;

a second member;

a hinge connecting the first member to the second member and allowing the members to move from an unlocked position to a locked position;

a lock adapted to lock the first member to the second member in the locked position;

the members defining at least first and second openings adapted to receive the item of merchandise such that the device is connected to the item of merchandise with a portion of the item of merchandise passing through the first and second openings; and

the members define a third opening; the third opening being perpendicular to the first and second openings.

8. (currently amended) The holder device of claim 7, wherein each of the members define jaw portions; at least one of the jaw portions of the members defining the first, second, and third openings.

9. (canceled)

10. (original) A theft deterrent device adapted to be connected to an item of merchandise to discourage shoplifting; the device comprising:

 a first member;

 a second member;

 a hinge connecting the first member to the second member and allowing the members to move from an unlocked position to a locked position;

 a lock adapted to lock the first member to the second member in the locked position;

 the second member defining a slot adapted to receive a portion of the item of merchandise;

 a loop having first and second ends; each of the ends defining an opening;

 a portion of the loop being disposed in the slot defined by the second member such that the first and second ends are disposed adjacent the second member; and

 the first member carrying a tooth that is adapted to pass through the openings of the ends when the first member is in the locked position.

11. (new) The device of claim 10, wherein the lock includes four first locking fingers and two second locking fingers; two of the first locking fingers engaging each of the second locking fingers.

12. (new) The device of claim 11, wherein each of the second locking fingers has opposite sides; the first locking fingers engaging the opposite sides of the second locking finger.

13. (new) The device of claim 12, wherein each first locking finger includes a first leg and a second leg; the second leg defining a locking surface that engages the second locking finger when the first and second members are in the locked position.

14. (new) The device of claim 10, wherein the first and second members define a body of the device; the body being non-symmetric.

15. (new) The device of claim 14, wherein the body has a longitudinal axis; the body being non-symmetric about the longitudinal axis of the body.

16. (new) The device of claim 15, in combination with a key configured to unlock the device; the key including a key pins adapted to engage and unlock the lock; the key pins movable with a plunger that is movable between resting and unlocking positions.

17. (new) The device of claim 16, wherein the first and second members define a body of the device; the body being non-symmetric so that the body may only be inserted into the key in one direction.

18. (new) The device of claim 10, wherein the hinge is a living hinge.

19. (new) The device of claim 7, wherein the lock includes four first locking fingers and two second locking fingers; two of the first locking fingers engaging each of the second locking fingers.

20. (new) The device of claim 19, wherein each of the second locking fingers has opposite sides; the first locking fingers engaging the opposite sides of the second locking finger.

21. (new) The device of claim 20, wherein each first locking finger includes a first leg and a second leg; the second leg defining a locking surface that engages the second locking finger when the first and second members are in the locked position.

22. (new) The device of claim 7, wherein the hinge is a living hinge.

23. (new) A theft deterrent device adapted to be connected to an item of merchandise to discourage shoplifting; the device comprising:

 a first member;

 a second member;

 a hinge connecting the first member to the second member and allowing the members to move from an unlocked position to a locked position;

 a lock adapted to lock the first member to the second member in the locked position;

 a loop having first and second ends; the loop being adapted to wrap around a portion of an item of merchandise to secure the device to the item of merchandise; and

 one of the first and second members carrying a tooth that is adapted to pass through the ends of the loop when the first member is in the locked position to lock the loop to the first and second members.

24. (new) The device of claim 23, wherein each of the ends of the loop define an opening sized to receive the tooth.
